

Senate Finance, Ways and Means Committee

Amendment No. 1 to SB3165

**Henry
Signature of Sponsor**

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

AMEND Senate Bill No. 3165*

House Bill No. 3212

By adding the following new section, to be appropriately designated:

SECTION ____ Funds arising from growth in existing revenues or enactment of new revenues shall be allocated in accordance with the allocations and schedules adopted by the Senate Finance, Ways, and Means Committee on Sunday, June 30, 2002, attached to this amendment and incorporated in this act by reference. Any improvements or restorations contained in this act and not referenced in the allocations or schedules or otherwise referenced in this amendment shall not be funded and the commissioner of finance and administration is directed to reduce or delete such items or totals accordingly. Any funds in excess of those allocated in this section or appropriated in the base budget shall be allocated to the revenue fluctuation fund.

by adding a new sentence at the end of Section 7, Item 5 to read:

This appropriation is subject to funding of the recommended improvement of one million dollars (\$1,000,000) for the Tennessee Arts Commission to continue grants to Tennessee artists and local arts organizations. If the improvement is reduced, this grant shall be reduced in a proportional amount.

AND FURTHER AMEND by deleting from Section 7, Item 1 in its entirety and by substituting a new Item 1 to read:

Item 1. It is the legislative intent that annual dues assessed by the Council of State Governments (CSG) and the National Conference of State Legislatures (NCSL) be paid

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quarterly and timely from the funds appropriated in Section 1, Title III-2, Item 1.2

(Intergovernmental Conferences and Special Operations). CSG dues for 2002-2003 shall be remitted in four (4) equal payments \$26,794.25 (\$107,177 annualized), and NCSL dues shall be remitted in four (4) equal payments \$31,088.75 (\$124, 355 annualized).

AND FURTHER AMEND by deleting from Section 9, Item 10 in its entirety and by renumbering the subsequent items.

AND FURTHER AMEND by adding to Section 9 the following new item to read:

Item _____. To the Administrative Office of the Courts a sum sufficient not to exceed \$44,000 for benefit of the Hillsman Taylor Library in Memphis. The appropriation shall be funded from gift funds.

AND FURTHER AMEND by deleting from Section 29, Item 16 in its entirety and by substituting a new item to read:

Item 16. From the appropriation to the Tennessee Student Assistance Awards in Section 1, Title III-10, any unexpended balance at June 30, 2003 and/or any prior year appropriations recovered from prior recipients by June 30, 2003, shall not revert to the fund balance but shall be added to the reserve balances now held by the Student Assistance

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Corporation for the Student Loan Program authorized by Tennessee Code Annotated, Title 49,
Chapter 4, Part 5.

AND FURTHER AMEND by adding to Section 29, Item 21 a new paragraph to read:

The following proposed capital outlay project, to be funded from institutional and local funds, is in addition to those projects listed on pages A-141 and A-142 in the 2002-2003 Budget Document:

Middle Tennessee State University
Airplane Parking Facility

\$ 260,000

AND FURTHER AMEND by adding to Section 35 the following new item to read:

Item _____. From the funds appropriated in Sections 1 and 4 of this act for premiums paid to the Board of Claims, the Commissioner of Finance and Administration is authorized to reallocate appropriations between organizational units and programs of state government and to adjust federal and departmental revenues to reflect changes in premium charges.

AND FURTHER AMEND by adding to Section 36 the following new items to read:

Item _____. To the Department of Personnel in Section 1, Title III-2, Item 4 to

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fund the Leadership Development Initiative (LDI).

Item _____. From the unexpended balance of the appropriation made under Section 1, Title III-21, Item 13 of the 2001 Appropriations Act the sum of \$140,000 is hereby reappropriated to be expended in the 2002-2003 fiscal year as a grant to the City of Spencer for the sewer system project.

AND FURTHER AMEND by deleting Section 39 in its entirety and substituting the following as a new Section 39:

SECTION 39. The provisions of this section shall take effect upon becoming law, the public welfare requiring it. There is hereby appropriated from departmental revenues and federal aid funds the amounts hereinafter set out:

	<u>2001-2002</u>	<u>2002-2003</u>
District Attorneys General Conference		
1. District Attorneys General	\$ 7,800	\$ 52,600
Secretary of State		
1. Secretary of State	\$ 0	\$ 270,400
2. State Library and Archives	600,000	600,000
3. Economic Council on Women	5,000	0
Total Secretary of State	\$ 605,000	\$ 870,400
Commissions		
1. Commission on Aging and Disability	\$ 175,000	\$ 2,100,000
Veterans Affairs		
1. Veterans Affairs	\$ 124,800	\$ 184,800

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Agriculture		
1. Regulatory Services	\$ 0	\$ 340,800
Environment and Conservation		
1. Water Supply	\$ 700,000	\$ 700,000
Education		
1. Improving America's Schools Act (IASA)	\$ 0	\$ 330,000
2. Accountability	0	100,000
3. Special Education Services	24,224,200	51,152,900
4. Vocational Education Programs	0	1,732,300
5. Tennessee Infant-Parent Services School	0	677,000
Total Education	\$24,224,200	\$53,992,200
Higher Education		
1. Tennessee Higher Education Commission	\$ 0	\$ 93,500
Commerce and Insurance		
1. Fire and Codes Enforcement Academy	\$ 109,200	\$ 109,200
Military		
1. Tennessee Emergency Management Agency	\$ 0	\$ 4,844,400
Health		
1. Executive Administration	\$ 107,700	\$ 107,700
2. Laboratory Services	159,800	213,000
3. Policy Planning and Assessment	125,000	150,000
4. Maternal and Child Health	528,000	528,000
5. Communicable and Environmental Disease Services	140,600	8,863,800
6. Population-Based Services	697,400	853,100
7. Women, Infants, and Children (WIC)	2,796,500	2,796,500
8. Local Health Services	8,528,900	19,972,600
Total Health	\$13,083,900	\$33,484,700
TOTAL	\$39,029,900	\$96,772,600

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The Commissioner of Finance and Administration is authorized to establish 108 full-time positions and to allocate them to the appropriate organizational units. At June 30, 2002, any unexpended balances of departmental revenues and federal aid funds appropriated in this section are hereby reappropriated in the fiscal year beginning July 1, 2002.

AND FURTHER AMEND by adding to Section 45 a new item to read:

Item _____. From the appropriations made for information systems activities in this act and other acts of the legislature, the Commissioner of Finance and Administration is authorized to transfer from professional services to payroll amounts budgeted for contractors. Additionally, the Commissioner of Finance and Administration is authorized to increase authorized positions in order to replace contractors with state employees.

AND FURTHER AMEND by deleting from Section 48, Item 7 in its entirety and by renumbering the subsequent items.

AND FURTHER AMEND by adding to Section 48 the following items to read:

Item _____. It being determined to be in the public interest and for a public purpose, from funds in the TennCare Reserve Fund, there is appropriated a sum sufficient for the

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purpose of making "safety net" payments to Access Med Plus providers for timely filed, appropriately submitted, properly adjudicated, clean provider claims for TennCare covered services for the period of May 10, 2000 through February 1, 2001. These payments will be limited to the amount determined by the Liquidator in Tennessee Coordinated Care Network's liquidation as owing in accordance with the appropriate terms and conditions of contracts between such providers and Tennessee Coordinated Care Network. The Commissioner of Finance and Administration, subject to the concurrence of the Comptroller of the Treasury, may develop a payment methodology for such payments.

Item _____. It being determined to be in the public interest and for a public purpose, from the funds available to the TennCare program, or from funds in the TennCare Reserve Fund, there is appropriated an amount, not to exceed \$38,000,000, to be used for the purpose of satisfying pre-rehabilitation claims of TennCare providers for outstanding receivables from Xantus Healthplan of Tennessee, Inc. for actual services rendered to TennCare recipients prior to March 31, 1999. The Commissioner of Finance and Administration, subject to the concurrence of the Comptroller of the Treasury, may develop a payment methodology for such payments. Any such payments shall be made only after the TennCare Bureau establishes that such payments are in accordance with the appropriate terms and conditions of contracts between such providers and Xantus Healthplan of Tennessee, Inc.

Item _____. Subject to the availability of revenue from intergovernmental transfers, there is hereby appropriated to TennCare, from said revenues, \$1,000,000 in the fiscal

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year ending June 30, 2003 for the purpose of implementing the Behavioral Unit pilot program as recommended by the State Mental Health Task Force. The pilot program will be limited to a total of 150 beds for the life of the three year pilot. The Commissioner of Finance and Administration is authorized to adjust federal aid accordingly.

Item _____. The Commissioner of Finance and Administration is authorized to recognize revenue related to the application fee for Medical Eligibility underwriting and to use such funds to offset the cost of administering the TennCare program.

AND FURTHER AMEND by adding to Section 54 of the bill a new item to read:

Item _____. From the appropriations made to the Department of Education in Section 1, Title III-9 of the 2001 Appropriations Act, the sum of \$5,000,000 shall revert from the Career Ladder extended contracts program.

AND FURTHER AMEND by adding a new section at the end of the printed bill to read:

SECTION _____. The provisions of this section shall take effect upon becoming law, the public welfare requiring it.

Item 1. The unexpended balance of the capital outlay appropriation made to Austin Peay State University for tornado damage in the 1999 Appropriations Act, Section 55, Item 3, shall be transferred to the general fund in the fiscal year ending June 30, 2002.

Item 2. In addition to the appropriation made in the 2001 Appropriation Act,

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Section 1, Title 11 for Indigent Defendants' Counsel, there is hereby appropriated a sum not to exceed \$2,000,000 in the fiscal year ending June 30, 2002.

Item 3. Any unexpended balances of the appropriations made in Chapter 587, Public Acts of 2002, for homeland security purposes are hereby reappropriated to be expended in the 2002-2003 fiscal year and such appropriations shall be carried forward in a reserve into the fiscal year beginning July 1, 2002.

Item 4. From the appropriations made in the 2001 Appropriations Act that were reallocated for one-time costs associated with homeland security purposes in the departments of Agriculture, Safety, and Commerce and Insurance, the Commissioner of Finance and Administration is authorized to carry forward in a reserve into the fiscal year beginning July 1, 2002 appropriation amounts not to exceed:

Agriculture	\$155,000
Safety	\$600,000
Commerce and Insurance	\$ 49,000

Item 5. From the appropriations made for Disaster Relief Grants in the 2001 Appropriations Act, Section 1, Title III-21, Item 7 and in this act in Section 1, Title III-21, Item 7, the Commissioner of Finance and Administration is authorized to allocate funds to provide for National Guard costs associated with homeland security purposes.

AND FURTHER AMEND by adding a new section to read:

SECTION ____.

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Item 1. The appropriation made to Veterans Affairs by the provisions of this act is reduced by the sum of \$102,100. Such funding reduction is for the purpose of eliminating the improvement for veterans cemeteries. Federal revenue is available to fund the improvement.

Item 2. The appropriation made to the Department of Correction by the provisions of this act is reduced by the sum of \$538,100. Such funding reduction is for the purpose of eliminating the improvement for the South Central Correctional Center to provide for a 3.25% increase in the cost of the prison service agreement.

Item 3. The appropriation made to K-12 Education by the provisions of this act is reduced by the sum of \$7,000,000. Such funding reduction is for the purpose of eliminating the improvement for teacher liability insurance.

Item 4. The appropriation made to K-12 Education by the provisions of this act is increased by the sum of \$7,000,000. Such funding increase is for the purpose of increasing the improvement to maintain full funding of the Basic Education Program formula.

Item 5. The appropriation made to K-12 Education by the provisions of this act is reduced by the sum of \$80,000. Such funding reduction is for the purpose of eliminating state funding for the public charter schools program. The appropriation made from federal funds is increased by \$80,000 to fund the program.

Item 6. The unexpended balances of capital outlay projects for state parks funded from the revenues generated by Chapter 1029, Public Acts of 1992, shall be transferred to the debt service fund in the fiscal year ending June 30, 2003 to provide for debt service

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requirement on state parks facilities bonds.

Item 7. From the funds appropriated in Sections 1 and 4 of this act to the Department of Childrens Services which are related to the Brian A., et al. V. Sundquist and Hattaway law suit and the resulting agreement, the Commissioner of Finance and Administration is authorized to establish 107 positions in lieu of funding a similar number of community services agency (CSA) existing positions.

Item 8. In recognition of the transfer of TennCare eligibility determination from the Department of Health to the Department of Human Services, the Commissioner of Finance and Administration is authorized to establish 254 positions in Human Services. The Commissioner is further authorized to make the appropriate reductions in funding for Health and the necessary increases in Human Services.

Item 9. In addition to the appropriations made in Sections 1 and 4 of this act to the Department of Human Services, there is hereby appropriated the sum of \$403,400 (\$137,000 state appropriation / \$266,400 federal) to provide for the transfer of the responsibility for child support appeals from the Shelby County Juvenile Court to the Department of Human Services. The Commissioner of Finance and Administration is authorized to establish ten (10) additional positions. This appropriation is subject to Senate Bill 2735 / House Bill 2425 becoming a law.

Item 10. In addition to the appropriation made in Section 1, Title III-21, Item 19 of this act for a postage rate increase, there is hereby appropriated the sum of \$770,100 to provide for a postage rate increase effective in June 2002. This appropriation shall be subject to

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the provisions of Section 35, Item 11 of this act.

Item 11. In addition to the appropriation made in Section 1, Title II of this act to the Judicial branch, there is hereby appropriated the sum of \$350,000 to the Guardian ad Litem Program.

AND FURTHER AMEND by adding a new section to the bill to read:

SECTION _____. In addition to any other funds appropriated by the provisions of this act, there is appropriated a sum sufficient to the Department of Finance and Administration for distribution to the appropriate entities for the sole purpose of implementing Senate Bill 887 / House Bill 1131, Senate Bill 1471 / House Bill 884, Senate Bill 1892 / House Bill 1919, Senate Bill 3074 / House Bill 3138, Senate Bill 3076 / House Bill 3148, Senate Bill 3077 / House Bill 3149, Senate Bill 3078 / House Bill 3151, Senate Bill 3079 / House Bill 3152, Senate Bill 3080 / House Bill 3153, Senate Bill 581 / House Bill 840, Senate Bill 1645 / House Bill 1368, Senate Bill 1682 / House Bill 1404, Senate Bill 1694 / House Bill 1416, Senate Bill 1847 / House Bill 1818, Senate Bill 2929 / House Bill 2882, Senate Bill 2930 / House Bill 2883, Senate Bill 2931 / House Bill 2884, Senate Bill 2932 / House Bill 2885, Senate Bill 2933 / House Bill 2886, Senate Bill 2934 / House Bill 2887, Senate Bill 2936 / House Bill 2889, Senate Bill 2937 / House Bill 2890, Senate Bill 2938 / House Bill 2891, Senate Bill 2939 / House Bill 2892, Senate Bill 2940 / House Bill 2893, Senate Bill 2941 / House Bill 2894, Senate Bill 2942 / House Bill 2895, Senate Bill 2943 / House Bill 2896, Senate Bill 2944 / House Bill 2897, Senate Bill 2945 / House Bill

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2898, Senate Bill 2946 / House Bill 2899, Senate Bill 2947 / House Bill 2900, Senate Bill 2948 / House Bill 2901, Senate Bill 2949 / House Bill 2902, Senate Bill 2950 / House Bill 2903, Senate Bill 2951 / House Bill 2904, Senate Bill 2952 / House Bill 2905, Senate Bill 2953 / House Bill 2906, Senate Bill 2954 / House Bill 2907, Senate Bill 2955 / House Bill 2908, Senate Bill 2957 / House Bill 3134, Senate Bill 2958 / House Bill 2911, Senate Bill 2959 / House Bill 2912, Senate Bill 2960 / House Bill 2913, Senate Bill 2961 / House Bill 2888, Senate Bill 2962 / House Bill 2914, Senate Bill 2963 / House Bill 2915, Senate Bill 2964 / House Bill 2916, Senate Bill 2965 / House Bill 2917, Senate Bill 2966 / House Bill 2910, Senate Bill 3086 / House Bill 3159, and Senate Bill 1712 / House Bill 1434, if such bills become law. It is the legislative intent that if funding is earmarked for such implementation in such bills that the funds appropriated in this item be reduced accordingly. In addition, if the fiscal note on any bill states that state revenues would be increased in an amount equal to or greater than state expenditures as a result of the enactment of such bill, then there is appropriated a sum sufficient from such increased revenue to the appropriate entity, as determined by the Commissioner of Finance and Administration, to implement such bill. If there are no increased state revenues, it is the legislative intent that the sum sufficient appropriations be funded from the appropriation made in this act in Section 1, Title III-21, Item 16, Administration Bills.

AND FURTHER AMEND by adding a new section to read:

SECTION _____. The provisions of this section shall take effect upon becoming law, the

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public welfare requiring it. Under the provisions of Senate Bill 3135 / House Bill 3116 the commissioner of finance and administration is authorized to deny carryforwards for, and to transfer funds from, the following enumerated funds, reserve accounts or programs to the state general fund for the sole purpose of meeting the requirements of funding the operations of state government for the fiscal year ending June 30, 2002, according to the following schedule:

1. From the department of transportation funds in the highway fund, or other funds, the sum of \$30,000,000; shall be transferred.
2. The actual reserve balances at June 30, 2002 shall be transferred to the general fund from the Tennessee Housing Development Authority assets fund, criminal injuries compensation fund, temporary assistance for needy families (Families First) program, local parks land acquisition fund, state lands acquisition fund, agricultural resources conservation fund, department of safety driver education fund, and wetlands acquisition fund.
3. From the other funds, reserve accounts and programs enumerated in Senate Bill 3135 / House 3116 the amount transferred to the general fund shall be equivalent to thirty percent (30%) of the remaining need to meet the requirements of funding the operations of state government for the fiscal year ending June 30, 2002.

AND FURTHER AMEND by adding to Section 43 the following new item to read:

Item _____. The reserve for federal contingent liability in the general fund shall be

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reduced from \$100,000,000 to \$50,000,000 to meet the requirements of funding the operations of state government for the fiscal year ending June 30, 2002.

AND FURTHER AMEND by adding a new section to read:

SECTION _____. To the extent that carryforwards in reserve accounts and programs are denied for certain funds enumerated in Senate Bill 3135 / House Bill 3116 and are transferred to the general fund for the purpose of meeting the requirements of funding state government operations for the fiscal year ending June 30, 2002, it is the legislative intent that such funds be restored to those reserve accounts and programs in the fiscal year ending June 30, 2003, and that transfers from the general fund be made for that purpose in proportion to the relative carryforward amounts denied and transferred to the general fund at June 30, 2002, subject to the following conditions at June 30, 2003:

1. The commissioner of finance and administration shall present a schedule identifying restoration amounts by reserve account or program to the comptroller of the treasury for comment and shall transmit the schedule to the senate and house finance, ways and means committees, along with the comptroller's written comments.

2. The commissioner of finance and administration determines that normal operations of each program affected will be impaired in the future if such funds are not restored at June 30, 2003.

3. Other requirements of general fund closing at June 30, 2003, pursuant to the 2002 and

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the 2003 appropriations acts and other law are satisfied.

4. The reserve for revenue fluctuation at June 30, 2003, is established in an amount not less than \$178,000,000 or the amount specified in the 2003 general appropriations act, whichever is greater.

5. The overappropriation recognized in the 2003 appropriations act for the fiscal years ending June 30, 2003, and June 30, 2004, is not greater than \$80,000,000 in each year.

6. The 2003 appropriations act authorizes or directs the commissioner of finance and administration to make such transfers from the general fund to certain reserve accounts or programs at June 30, 2003.

7. The cumulative amounts restored to each reserve account or program in future years shall not exceed the amount transferred to the general fund from each reserve account or program at June 30, 2002.